Supreme Court, U.S.
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No. 08-635

In The
SUPREME COURT OF THE UNITED STATES

IN RE MARY LYNN COLLARD
AND BOBBY COLLARD,
Applicants – Applicants – Petitioners.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF CRIMINAL APPEALS
OF TEXAS

ORIGINAL PETITION FOR A WRIT OF CERTIORARI

MARY LYNN COLLARD
BOBBY COLLARD
1615 UNIVERSITY DRIVE
RICHARDSON, TEXAS 75081

Questions Presented

Collateral Order Doctrine

1. Is denial of access a collateral matter?

2. Is the collateral order doctrine part of Due Process applicable to the states via the 14th Amendment?

3. Is the municipal court ***disqualified*** from presiding over the habeas proceeding?

4. May the county court refuse to file the habeas application?

5. What's the filing fee for habeas applications in Texas?

Questions from the underlying case

6. Does the combination of factors that have effectively denied Collard's access regarding all three of her appeals qualify as collateral and final?

7. Did KIERCE violate Due Process by refusing to produce the Record for Collard's Removal proceeding?

8. Did NOAH violate Due Process by refusing to prepare a suitable Bond for the appeal?

9. Did KIERCE violate Due Process by refusing to

prepare the Transcript for the accelerated Bond appeal?

10. Since Bond is a collateral issue, may this Court establish the Bond amount, thereby resolving that issue?

11. Did the court reporter violate Due Process by refusing to prepare the contracted-for consolidated Transcript for the appeal?

12. How many Transcript fees may the court demand for appeal of a consolidated trial?

STATUTORY CHALLENGES

13. Does RICHARDSON, § 1-8 violate Due Process?

14. Does RICHARDSON, § 6-327 violate Due Process?

15. Does RICHARDSON, § 21-57 violate Due Process?

16. Does Art. 42.07 violate Due Process?

17. Are the relevant municipal ordinances legislative enactments?

18. Does GOV'T CODE § 25.0594(n) violate Separation of Powers or Due Process?

19. Does Art. 45.019 foster a horrific conflict of interest?

20. Does Art. 45.018(b) violate Due Process?

Federal Questions

21. What meaningful Notice is due per Art. 45.018(b)?

22. Has Collard been denied a meaningful opportunity to be heard?

23. Did CITY/STATE wait too long to serve these "complaints?"

24. Did CITY/STATE wait too long to start trial?

25. Should the deferred disposition ever have been revoked?

26. Is Collard a "class of one?"

27. Has CITY/STATE violated the ADA by depriving Collard of her reading glasses?

28. Did NOAH ever have subject matter jurisdiction?

Parties

Applicants, Petitioners

MARY LYNN COLLARD, "restrained" defendant, "restrained" community property owner ("Collard")

BOBBY COLLARD, husband, "restrained" community property owner ("*Bobby Collard*")

Respondents

RAYMOND D. NOAH, "judge," "restrainor" municipal court of (***public***) Record

STATE OF TEXAS

[CITY OF RICHARDSON, TEXAS]

PETER G. ("PETE") SMITH,
JOE GORFIDA,
KAREN NELSON,
with NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. ("Nichols & Dimes")

Hon. GREG ABBOTT
Attorney General

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Petition for a Writ of Certiorari

Collard and her husband *Bobby Collard* petition for a writ of certiorari to the Court of Criminal Appeals of Texas ("CCA") as follows:

Citations to decisions below

None

Jurisdiction

(i) Date Orders Were Entered
103 Motions for Leave denied 8 October 2008. [+90: 6 Jan 2009]

(ii) Extensions N/A

(iii) Rule 12.5 N/A

(iv) Statutes, Jurisdiction
28 U.S.C. § 1257(a) (final).

Collateral Order Doctrine—*Cohen*, 337 U.S. at 547; *Cox Broadcasting*; *Coopers & Lybrand*, 437 U. S. at 468; *Moses H. Cone Hospital*; *Ritchie*.

(v) Regarding notice of statutory challenge, Rule 29.4(c)
STATE is a party. All activity in state courts.

Non-Argument Calendar Preferred

Oral argument is not expected to aid in the resolution of these issues.

Statement of the Case

When Federal Questions Were Raised

When the county court clerk refused to file the habeas application.

This is the next phase of the 103, unending, Fourth Reich of Texas, municipal court cases from hell. Since NOAH has prevented all access to the appellate court(s), the Collards submitted their habeas to the *county* court, which refused to file it. Instead, the county clerk, upon "dismissing" the application, via "secret order," "transferred" the application, via "secret order," to the county *appellate* court that normally handles *appeals* from this municipal court of (***public***) Record. That county *appellate* court declined, in writing, to file it.

Why the county court?

NOAH, the "restrainor," is ***disqualified***.

In addition to everything else, NOAH has bent over backwards, double, fourteen ways from Sunday, to prevent Collard's access to the appellate court(s). The Collards see this as one ***more*** type of illegal restraint. Because NOAH is a "restrainor," twice over, he's a party to the habeas proceeding. That renders NOAH ***disqualified*** to preside over it.

NOAH, the *de facto* complainant, is ***disqualified*** – The monstrous Separation of Powers problem from the beginning.

One or another of the clerks of that same court, solely by virtue of employment with that court, is the hearsay complainant in each of these 103 matters. Therefore, via agency principles, where the clerk is the complainant, the ***court*** is the *de facto* **complainant**. That creates a monstrous Separation

of Powers problem that has permeated this matter from the absolute beginning.

The county court is a competent alternative.

See Art. 11.05. Additionally, no defendant in his/her right mind would ever in a million years *knowingly* go back into a court that has so incessantly and viciously abused him/her ***criminally*** under color of law, where there is even the *remotest* option to do otherwise. Therefore, the Collards submitted their habeas to the *county* court.

In the CCA.

To complete the procedural picture, the Collards filed 103 motions for leave with the CCA, one motion for each charge. With **one** postcard, the CCA confirmed all 103 as filed, and with **one** postcard, the CCA confirmed all 103 motions as denied.

In each of those motions, the Collards requested a published ruling (1) that, in granting the motion for leave, recognizes the denial of access by the clerk as constituting a ruling, or (2) that, in denying the motion for leave, provides guidance to the county court regarding the filing of the application and the charging of no filing fee. [1]

Why two petitioners?

The obvious party.

Collard is the named defendant being denied access and sentenced with a $28,000 fine.

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[1] MANY civil court systems around Texas charge a $200+ filing fee for habeas applications *despite* Art. 11.051. The Dallas *County* Court system and the Dallas County *District* Court system are but two.

The not-so-obvious party.

The not-so-obvious party is her husband *Bobby Collard*. The $28,000 "fine only" "judgment" is void and not *de minimis*. Further, *Bobby Collard* sees the fine as a "community debt," chargeable to, i.e., collectible from, the "community estate." Given that for purposes of Due Process, there is no difference between property and liberty, *cf. Boyd*, 116 U.S. at 630 (Fourth Amendment context), *Meyer*, 262 U.S. at 399-400, and *Burch* (mental ward context), 494 U.S. at 130-32, it follows that "restraint" exists whether of property or liberty.

VOID "FINE ONLY" "JUDGMENT."

The Collards find published and unpublished state rulings that suggest recognition of "fine only" judgments as restraints on liberty. *See McCann* (citing *Ex parte Beamer*, which 1926 opinion obviously, predates *Jones v. Cunningham* and *Hensley*); *Ex parte Dorsett* (to get to the ever-popular "no oath of office" "defense," the appellate court may have presumed jurisdiction based on a "fine only" judgment; *see* n.2); *Ex parte Rinkevich*, 222 S.W.3d at 902-03 ("assuming without deciding, the $400 fine may constitute confinement, restraint, or collateral legal consequences ... .") (it's very risky to presume appellate jurisdiction; hence, "fine only" is sufficient). Where "fine only" is sufficient by itself, "voidness" is much less relevant.

Voidness plays a considerably larger role in the *federal* context, where "fine only" is overtly considered "***not*** custody" by at least nine federal *appellate* courts. *Tinder*, 725 F.2d at 803 (**1st Cir.** 1984) (equating restitution with a "fine only" judgment); *Obado*, 328 F.3d at 717-18 (**3d Cir.** 2003)

(restitution is not "custody"); *Barry*, 128 F.3d at 160 (3d Cir. 1997); *Wright*, 381 F. Supp. at 925 (W.D. Va. 1974), *aff'd*, 544 F.2d 737 (**4th Cir.** 1976); *Segler*, 37 F.3d at 1137 (**5th Cir.** 1994); *Spring*, 692 F.2d 992 (5th Cir. 1982); *Duvallon*, 691 F.2d at 485 (5th Cir. 1982); *Watroba*, 56 F.3d at 29 (**6th Cir.** 1995); *Barnickel*, 113 F.3d at 706 (**7th Cir.** 1997); *Hanson*, 591 F.2d 404 (7th Cir. 1979) (n.7: *Accord, [Furey]*, aff'd without opinion, 532 F.2d 746 (3d Cir. 1976) (regarding prospective, hypothetical collateral consequences)); *Russell v. City of Pierre*, 530 F.2d at 792 (**8th Cir.** 1976); *Edmunds*, 509 F.2d at 41-42 (**9th Cir.** 1975); *Phelps*, 162 F.3d 1174 (**10th Cir.** 1998); and *Sandoval*, 134 F.3d 383 (10th Cir. 1998) (fine and costs combined do not constitute custody).

But cf. Waste Management, 614 F.2d 138 (7th Cir. 1980) (corporation, "fine only" judgment, appeal (state), but then § 1983 (federal), rather than habeas (state)). Here, the 7th Circuit suggest state habeas rather than § 1983 is the mechanism by which to attack the state court judgment. Obviously, that doesn't necessarily mean that they think state habeas jurisdiction *does* exist, just that federal § 1983 jurisdiction *doesn't* exist. But, why would they even mention it if it were a fool's errand, i.e., if, as a matter of law, there were no prospect for relief?

The emphasis on *appellate* courts is because several of these opinions are also cited as "cert. denied." *See, e.g., Jones v. United States*. *See also Tinder* (substantial list of cases, Part I). Given the plethora of "cert. denied" rulings, someone is missing something, and the Collards are very interested in learning what's missing.

Where a non-*de-minimis*, void, "fine only"

judgment is a "restraint," and where the community estate is liable, then the spouse is also "restrained," thereby giving the spouse standing for habeas.

Additional details in the related cases

In re Collard (No. 05-1445) (mand. denied).
Collard v. Texas (No. 06-733) (cert. denied).
In re Collard (No. 07-1077) (mand. denied).
In re Collard (No. 07-1186) (mand. denied).

The Collards incorporate by reference the Statement of the Case sections in all prior cases.

Options

Continue this state habeas effort by review (hence, this petition); continue this state habeas effort via motion for leave; federal habeas; state suit against clerk (for denial of access); federal suit (same); forget habeas because there's no "restraint" via denial of access *or* via a "fine only" judgment; federal suit (§ 1983 & etc.). Since this is "new," mandamus won't provide a remedy.

Brief review of NOAH's "all appeals denied" "thinking"

The 103 "transcript fees" angle.

NOAH consolidated for trial all 103 cases, over which he never had jurisdiction, but the clerk's office, presumably under NOAH's thumb, turned right around and demanded 103 "transcript fees," ***$2,575***, for ***103 transcripts*** for preparing the Record for appeal. The Collards paid **one** "transcript fee," ***$25***, for **one** consolidated transcript. NOAH has from that instant declared all appeals untimely, thus all appeals "denied," and has refused to do one single,

solitary thing to get this case moved on up through the appellate process. He has approved no Bond, although he received four different proposed Bonds. The clerk, presumably under NOAH's thumb, has to this very day refused even to prepare the Bond amount appeal, an accelerated process, by which both Bond *and* this "transcript fee" issue might have been resolved ***two and a half years ago***.

Two possible remedies, here

Cure for denial of access to the appellate court(s).

Habeas isn't a substitute for appeal. Since NOAH is "restraining" Collard by denying her access to the appellate court(s), one purpose of this habeas is to dynamite apart the persistent logjam that is stalling out all three of Collard's appeals.

Resolution of the entire case.

Ultimately, it'd be good to end this Nazi-cheered nightmare from hell. NOAH never had subject matter jurisdiction (***or*** personal jurisdiction) to proceed to the merits in ***any*** of these 103 cases. Moreover, where NOAH (A) totally and completely prevented Collard's access pre-trial, by jailing her for 17 days and denying her the use of her glasses, *and* (B) totally and completely prevented Collard's access during trial, by denying her the use of her trial notebook, *and* (C) unilaterally revoked the "deferred disposition," in pure, unmitigated retaliation for Collard's having appealed the "deferred disposition," thereby causing the "final judgment" to exist, at all, ***and*** (D) is the reason that there is no appeal of ***anything***, not of (1) the "deferred disposition," not of (2) the "final judgment," and not of (3) the Bond amount, it follows that NOAH's incessant "denial of

access" theme should not now turn out to benefit him by creating that much ***more*** delay. He ***created*** Collard's need to appeal, at all, and he has been very instrumental in ***preventing*** those appeals. Thus, it seems more than fair and just that habeas should reach the merits.

Neither remedy is possible where the application is not even allowed filed.

While the Collards recognize the logical possibility that the clerk's denial of access *could* be viewed as an order denying the application, the Collards are not yet willing to accept that analysis. Rather than reaching the merits, the county clerk's denial of access is more of a "dismissal" (per a "We're not the 'convicting court.' " idea); hence, the CCA denied the motions for leave. [2] And, where the current policy is to file habeas with the "convicting court," there's no need for instructions to the *county* court to file the application; hence, no order explaining the ruling or providing that guidance.

NOAH, the *de facto* complainant and "convicting court," is a "restrainor," rendering him an indispensable party to the habeas proceeding; hence, ***disqualified***. That leaves the *county* court as the proper court to handle the misdemeanor habeas, and yet that court has refused to file the habeas. Instead, they "dismissed" it and "transferred" it to the county *appellate* court. If the Collards had wanted to file the habeas *there*, they would have done so, themselves. The clerks cared enough to do the "transfer," so they meant well, but that doesn't get this application filed.

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[2] Since there is no formal, written order, appeal isn't really possible (the "secret order" adds to the denial of access theme); hence, the new application with motion for leave in the CCA.

Argument

Collateral Order Doctrine

1. Is denial of access a collateral matter?

Harbury.

See also Cohen, 337 U.S. at 547; *Cox Broadcasting*; *Coopers & Lybrand*, 437 U. S. at 468; *Moses H. Cone Hospital*; *Ritchie.*

2. Is the collateral order doctrine part of Due Process applicable to the states via the 14th Amendment?

Texas doesn't recognize the collateral order doctrine.

The Permian Corporation.

Is the doctrine merely federal procedure or is it part of Due Process?

Cohen, 337 U.S. at 547 (federal court); *Cox Broadcasting* (state court); *Coopers & Lybrand*, 437 U.S. at 468 (federal court); *Moses H. Cone Hospital* (federal court); *Ritchie* (state court).

Since the collateral order doctrine exists to protect "at risk" "federal issues," no state has discretion to disregard the collateral order doctrine. Thus, *The Permian Corporation* doesn't square with the purpose of the collateral order doctrine, generally, or with *Cox Broadcasting* and *Ritchie*, in particular.

Actually, Texas does recognize the collateral order doctrine.

See TEX. RS. APP. P. 29.5, 29.6. [3]

But cf. CIV. PRAC. & REM. CODE § 51.014.

3. Is the "convicting court" *disqualified* from presiding over the habeas proceeding?

In general, the municipal court *has* habeas authority.

When the party is first presented after an arrest, the "restrainor" is the cop. A municipal court, not yet a "restrainor," has authority to address the issue of the legality of that restraint. *See* GOV'T CODE § 30.00006(e); RICHARDSON, § 2-182; *cf.* Art. 11.05.

The "convicting court" mindset.

The habeas process in Texas depends largely on the "convicting court" concept. *Cf.* Arts. 11.07 and 11.071 (felony process). In general, the defendant is expected to file the habeas application with the "convicting court," no matter the offense level.

A "restrainor" is an indispensible party to the habeas proceeding.

The problem with that mindset is that the "convicting court" is also a "restrainor." The "ex parte" case names hide the true nature of the habeas proceeding, in which, in general, the "restrained" sues the "restrainor" for a declaratory judgment on

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[3] To establish the collateral order doctrine as policy is to provide a mitigation of damages, "prevention-oriented" remedy. *Cf. Helling* (problem *prevention*), *H. J. Inc.* (same), *Schall*, 467 U.S. at 298-300 (same), *Pulliam* (same), and *Juidice* (bad faith and harassment *both* justify *prevention*).

the legality of that "restraint."

NOAH: *de facto* complainant, "convicting court," and "restrainor."

NOAH is a "restrainor," twice over. As the "convicting court," he ordered Collard to pay some $28,000+ in fines. Because he thinks he can, he has also actively denied her access to the appellate courts. NOAH is, then, a "restrainor." As a "restrainor," NOAH "has an interest in the subject matter in controversy" in the habeas proceeding. *Cf.* TEX. RS. CIV. P. 18a, 18b, 18b(1)(b); *McKenna*. *See also Bradley*, 990 S.W.2d at 248, 249 (judge can't be a witness in case over which he presides; "constitutionally intolerable appearance of partiality"); *Brown*, 843 F.2d at 851; *In Re Murchison* (judge can't be a witness in case over which he presides); TEX. R. CIV. EVID. 605; *Tesco American, Inc.*, 221 S.W.3d at 551-52 n.1, 553 n.10, 555 n.27 (***disqualification*** distinguished from recusal).

4. May the county court refuse to file the habeas application?

Habeas is a CIVIL proceeding. *Ex Parte Watkins*; *Ex Parte Tom Tong*; *Kurtz*; *Farnsworth*; *In re Grimley*; *Cross*; *In re Frederich*; *In re Lennon*; *Pridgeon*; *Hilborn*; *Cunningham*; *Fisher*; *Riddle*; *Holiday*; *Hiatt*; *Morgan* (Minton, J. dissent); *Heflin*; *In re Sawyer*; *Bennett*; *Fay*; *Long*; *Harris*; *Schlanger*; *Parisi* (Douglas, J. concurring); *Wingo* (Burger, C.J., dissent); *Ellis* (Powell, J. dissent); *Blackledge*; *Browder*; *Santa Clara Pueblo*; *Stafford*; *McCarthy*; *Coleman* (Marshall, J. dissent); *Stephens* (Brennan,

J. dissent); *Granberry*; *Finley*; *Hilton*; *Keeney*; *O'Neal*; *Bracy*; *Woodford*; *Padilla*.

Per Art. 11.05, the county courts have habeas authority for misdemeanor matters.

Per ***disqualification***, the "convicting court" (municipal court) has no jurisdiction.

Therefore, it's unconscionable for a CIVIL county court to refuse to file this misdemeanor habeas case.

5. What's the filing fee for habeas applications in Texas?

Zero. Art. 11.051.

Questions from the underlying case

6. Does the combination of factors that have effectively denied Collard's access regarding all three of her appeals qualify as collateral and final?

Total denial of access to an appellate court.

There is, to date, no consolidated Transcript for the Bond appeal even prepared, much less filed. Nothing has moved from the municipal court to the county appellate court to initiate the appeal of the "deferred." And, to Collard's knowledge, NOAH has never approved or disapproved any Bond in any amount for the appeal of the "judgment."

7. Did KIERCE violate Due Process by refusing to produce the Record for Collard's Removal proceeding?

See Questions 8, 9, and 10, No. 06-733.

8. **Did NOAH violate Due Process by refusing to prepare a suitable Bond for the appeal?**

See Statement of the Case, No. 07-1077 (7 Jul, p.11).

9. **Did KIERCE violate Due Process by refusing to prepare the Transcript for the accelerated Bond appeal?**

See Question 3, No. 05-1445, and Question 18, No. 07-1077.

10. **Since Bond is a collateral issue, may this Court establish the Bond amount, thereby resolving that issue?**

See Question 3, No. 05-1445, and Question 18, No. 07-1077. Personal recognizance should be sufficient.

11. **Did the court reporter violate Due Process by refusing to prepare the contracted-for consolidated Transcript for the appeal?**

See Statement of the Case, No. 07-1077 (26 May, p.11).

12. **How many Transcript fees may the court demand for appeal of a consolidated trial?**

See Question 2, No. 05-1445.

STATUTORY CHALLENGES

13. **Does RICHARDSON, § 1-8 violate Due Process?**

See Question 1, No. 07-1077.

14. Does RICHARDSON, § 6-327 violate Due Process?

See Question 2, No. 07-1077.

15. Does RICHARDSON, § 21-57 violate Due Process?

See Question 3, No. 07-1077.

16. Does Art. 42.07 violate Due Process?

See Question 4, No. 07-1077.

17. Are the relevant municipal ordinances legislative enactments?

See Question 5, No. 07-1077.

18. Does GOV'T CODE § 25.0594(n) violate Separation of Powers or Due Process?

See Question 6, No. 07-1077.

19. Does Art. 45.019 foster a horrific conflict of interest?

See Question 7, No. 07-1077.

20. Does Art. 45.018(b) violate Due Process?

See Question 8, No. 07-1077.

Federal Questions

21. What meaningful Notice is due per Art. 45.018(b)?

See Question 9, No. 07-1077.

22. Has Collard been denied a meaningful opportunity to be heard?

See Question 10, No. 07-1077.

23. Did CITY/STATE wait too long to serve these "complaints?"

See Question 11, No. 07-1077.

24. Did CITY/STATE wait too long to start trial?

See Question 12, No. 07-1077.

25. Should the deferred disposition ever have been revoked?

See Question 13, No. 07-1077.

26. Is Collard a "class of one?"

See Question 14, No. 07-1077.

27. Has City/State violated the ADA by depriving Collard of her reading glasses?

See Question 15, No. 07-1077.

28. Did NOAH ever have subject matter jurisdiction?

See Question 16, No. 07-1077.

Remedies Requested

Given the foregoing, the Collards request that this Court grant relief as follows:

1. Grant this petition, issue the writ of certiorari, and take jurisdiction of this matter;
2. Confirm, by overruling *The Permian Corporation*, that the collateral order doctrine is part of Due Process applicable to the states via the 14th Amendment doctrine;
3. Confirm that a "convicting court" is ***disqualified*** from ruling in the related habeas case and that the county court needs to file the Collards' habeas application, ***without*** charging a filing fee, by vacating the CCA's denial of the motions and remanding for reconsideration under the new standards, with a reminder of Art. 11.051;
4. The opportunity to brief any additional issues the Court may identify;
5. The non-argument calendar;
6. Costs; and
7. Any and all other relief at law, in equity, or sui generis to which the Collards may show themselves justly entitled.

Respectfully submitted,

/s/ Mary Lynn Collard
Mary Lynn Collard

/s/ Bobby Collard
Bobby Collard

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Appendix A

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Rule 14.1(i)(i)—Appellate Opinion

2008 October 8 – Motions for leave denied.

Postcard Notice – COLLARD, MARY LYNN

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

RE: Writ No. WR-64,490-03
STYLE: COLLARD, MARY LYNN
TRIAL CT NO: A1600108
10/8/2008

This is to advise that the Court has denied without written order the motion for leave to file the original application for writ of habeas corpus.

Louise Pearson, Clerk

MARY LYNN COLLARD
1615 UNIVERSITY DR.
Richardson, TX 75081

Pitney Bowes meter information:
0004623940 OCT 09 2008
MAILED FROM ZIP CODE 78701

Postcard Notice – Collard, Bobby

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

RE: Writ No. WR-70,604-01
STYLE: Collard, Bobby
TRIAL CT NO: A1600108
10/8/2008

This is to advise that the Court has denied without written order the motion for leave to file the original application for writ of habeas corpus.

Louise Pearson, Clerk

Bobby Collard
1615 University Dr.
Richardson, TX 75081

Pitney Bowes meter information:
0004623940 OCT 09 2008
MAILED FROM ZIP CODE 78701

Rule 14.1(i)(ii)—Additional Orders

***See also* No. 07-1077, App. A.**

***See also* Return Receipt Card Information in Additional Essential Materials**

2008 July 25, Letter from County Appellate Court returning habeas

Tania Robinson
Court Coordinator

Josie Massar
Court Reporter

[SEAL OF THE COUNTY OF DALLAS
STATE OF TEXAS]

COUNTY CRIMINAL COURT OF APPEALS
Kristin Wade, Judge

July 25, 2008

Bobby and Mary Lynn Collard
1615 University Drive
Richardson, TX 75081

Re: Habeas Corpus

Dear Mr. and Mrs. Collard,

The enclosed Writ of Habeas Corpus cannot be filed with the County Criminal Court of Appeals No. 1 without first being filed with the lower court (Richardson Municipal Court). You must show proof of filing and denial with Richardson Municipal Court

before filing in County Criminal Court of Appeals No. 1.

If you have any questions regarding this, please contact the court.

Sincerely,

/s/ Kristin Wade
Kristin Wade, Judge

133 North Industrial Blvd., Dallas, TX 75207 [1]
(214) 653-7700 (214) 653-5777 (FAX)

Rule 14.1(i)(iii)—Rehearing, or other extension

None

Rule 14.1(i)(iv)—Judgment of different date

Judgment(s) of 2006 Mar 20 and 21—*See* No. 05-1445, App. A.

[1] *Cf.* address for county courts at law: 509 Main St. (75202)

Rule 14.1(i)(v)—Statutes and Rules

***See* No. 07-1077, App. A.**

Rule 14.1(i)(vi)—Additional Essential Materials

Case Nos. for the 103 motions for leave—*see* No. 05-1445, App. A.

Example of the "magistrate warning" and pre-trial Bond—*see* No. 07-1077, App. A.

Return Receipt Card Information – Habeas

[Logo UNITED STATES POSTAL SERVICE]

Track/Confirm – Intranet Item Inquiry – Domestic

Item: 7007 2680 0002 0110 8709
Service Calculation Acceptance
Date/Time: 7/15/2008 17:46

Destination
ZIP Code: 75202 City: DALLAS State: TX
Origin
ZIP Code: 75044-7106 City: GARLAND State: TX

Class
Priority Mail

Anticipated Delivery Date: 7/16/2008

Weight: 2 lb(s) 11 oz(s) Postage: $5.20
Delv Rqmt: Normal Delivery P.O. Box?: N

Specific Services	Associated Labels	Amount
CERTIFIED MAIL	7007 2680 0002 0110 8709	$2.70
RETURN RECEIPT		$2.20

[Logo UNITED STATES POSTAL SERVICE]

Track/Confirm – Intranet Item Inquiry
Item Number: 7007 2680 0002 0110 8709

This item was delivered on 7/18/2008 at 11:07

Signature: *John Garrett* [printed in hand]
/s/ John Garrett [signed]

Address: 509 Main Street [2]

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[2] *Cf.* address with county *appellate* court: 133 N. Indus. Blvd. (75207).